

Panaji, 24th June, 2004 (Ashada 3, 1926)

SERIES I No. 13

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette Series I No. 12 dated 17-6-2004 namely, Extraordinary dated 17-6-2004 from pages 303 to 304 regarding Notification from Department of Elections.

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10/3/2003-LA

The Appropriation (No. 4) Act, 2003 (Central Act No. 41 of 2003), which has been passed by the Parliament and assented to by the President of India on 28-8-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 28-8-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE APPROPRIATION (No. 4) ACT, 2003

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated

THE SCHEDULE

(See sections 2 and 3)

1 No.	2 Services and purposes of expenditure Vote	3 Sums not exceeding Voted by Parliament			Total Rs.
		Revenue	Capital	Charged on the Consolidated Fund	
1	Department of Agriculture and Cooperation.....	1,00,000	...	...	1,00,000
2	Department of Chemicals and Petrochemicals.....	607,19,00,000	607,19,00,000	...	607,19,00,000
3	Department of Fertilisers.....	196,45,00,000	...	...	196,45,00,000
4	...	1,00,000	...	...	1,00,000
5	...	84,97,00,000	...	...	84,97,00,000

1	2	3
	Rs.	Rs.
12 Department of Commerce	Revenue 200,01,00,000 Capital 280,00,00,000	200,01,00,000 280,00,00,000
13 Department of Industrial Policy and Promotion.....	Revenue 1,00,000 Capital 20,00,00,000	1,00,000 20,00,00,000
14 Department of Posts.....	Revenue 1,00,000 Capital 1,00,000	5,00,000 7,00,000
17 Department of Consumer Affairs	Capital 3,00,00,000	6,00,000 8,00,000
29 Ministry of Environment and Forests	Revenue 2,00,000	2,00,000
31 Department of Economic Affairs	Revenue 1,00,000	1,00,000
33 Payments to Financial Institutions	Revenue 1573,00,00,000 Capital 555,36,00,000	1573,00,00,000 555,36,00,000
35 Transfers to State and Union Territory Governments	Revenue 365,00,00,000	365,00,00,000
42 Direct Taxes	Capital 1,00,000	1,00,000
43 Indirect Taxes	Capital 2,00,000	2,00,000
44 Department of Company Affairs	Revenue 18,00,00,000 Capital 1,00,000	18,00,00,000 1,00,000
49 Department of Heavy Industry	Revenue 195,78,00,000 Capital 150,34,00,000	195,78,00,000 150,34,00,000
53 Police	Revenue ... 1,66,00,000	1,66,00,000
54 Other Expenditure of the Ministry of Home Affairs ..	Revenue 20,00,00,000	20,00,00,000
62 Law and Justice	Revenue 1,00,000	1,00,000
64 Ministry of Non-Conventional Energy Sources	Revenue 1,00,000	1,00,000
77 Department of Rural Development	Revenue 3650,25,00,000	3650,25,00,000
80 Department of Science and Technology	Revenue 1,00,000	1,00,000
81 Department of Scientific and Industrial Research	Revenue 1,00,000	1,00,000
82 Department of Bio-technology	Revenue 1,00,000	1,00,000
88 Ministry of Steel	Revenue 35,56,00,000 Capital 7,00,00,000	35,56,00,000 7,00,00,000
89 Ministry of Textiles	Revenue 2,00,000	2,00,000
90 Department of Culture	Revenue 2,00,000	2,00,000
98 Department of Urban Development	Capital 500,01,00,000	500,01,00,000
99 Public Works	Revenue 1,00,000 Capital 1,00,000	1,00,000 1,00,000
103 Ministry of Youth Affairs and Sports	Revenue 55,00,00,000	55,00,00,000
Total.....	7909,96,00,000	608,97,00,000
		8518,93,00,000

Notification

10/3/2003-LA

The Constitution (Scheduled Tribes) Order (Amendment) Act, 2003 (Central Act No. 47 of 2003), which has been passed by the Parliament and assented to by the President of India on 19-9-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 19-9-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

**THE CONSTITUTION (SCHEDULED TRIBES)
ORDER (AMENDMENT) ACT, 2003**

AN

ACT

further to amend the Constitution (Scheduled Tribes) Order, 1950, to modify the list of Scheduled Tribes in the State of Assam.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. **Short title.—** This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2003.

2. **Amendment of the Constitution (Scheduled Tribes) Order, 1950.—** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part. II.—Assam,—

(i) for the sub-part heading "I. In the autonomous district", the following shall be substituted, namely:

"I. In the autonomous districts of Karbi Anglong and North Cachar Hills";

(ii) for the sub-part heading "II. in the State of Assam excluding the autonomous districts", the following shall be substituted, namely:—

"II. In the State of Assam including the Bodoland Territorial areas District and excluding the autonomous districts of Karbi Anglong and North Cachar Hills."

Notification

10/3/2003-LA

The Constitution (Eighty-Ninth Amendment) Act, 2003, which has been passed by the Parliament and assented to by the President of India on 28-9-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 30-9-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE CONSTITUTION (EIGHTY-NINTH AMENDMENT) ACT, 2003

AN

ACT

further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Constitution (Eighty-ninth Amendment) Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of article 338.— In article 338 of the Constitution,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"National Commission for Scheduled Castes.";

(b) for clauses (1) and (2), the following clauses shall be substituted, namely:—

"(1) There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine."

(c) in clauses (5), (9) and (10), the words "and Scheduled Tribes", wherever they occur, shall be omitted.

3. Insertion of new article 338A.— After article 338 of the Constitution, the following article shall be inserted, namely:—

"338A. National Commission for Scheduled Tribes.— (1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;

(c) to participate and advise on the planning process of socioeconomic development of the

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NOTIFICATION IN ACCORDANCE WITH THE GOVERNMENT OF INDIA ACT, 1976

Scheduled Tribes and to evaluate the progress of their development under the Union and in any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards specified in clause (e);

(e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Schedule Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5) have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;

(f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

Notification

10/3/2003-LA

The Constitution (Eighty-Seventh Amendment) Act, 2003, which has been passed by the Parliament and assented to by the President of India on 22-6-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 24-6-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE CONSTITUTION (EIGHTY-SEVENTH AMENDMENT) ACT, 2003

AN

ACT
to amend the Constitution of India, and further to amend the Constitution of India,

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. Short title.— This Act may be called the Constitution (Eighty-seventh Amendment) Act, 2003.

2. Amendment of article 81.— In article 81 of the Constitution, in clause (3), in the proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted.

3. Amendment of article 82.—In article 82 of the Constitution, in the third proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted.

4. Amendment of article 170.—In article 170 of the Constitution,—

(i) in clause (2), in the *Explanation*, in the proviso, for the figures "1991", the figures "2001" shall be substituted;

(ii) in clause (3), in the third proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted;

5. Amendment of article 330.—In article 330 of the Constitution, in the *Explanation*, in the proviso, for the figures "1991", the figures "2001" shall be substituted;

Notification

10/3/2003-LA (Part)

The Constitution (Eighty-eighth Amendment) Act, 2003, which has been passed by the Parliament and assented to by the President of India on 15-1-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 16-1-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE CONSTITUTION (EIGHTY-EIGHTH AMENDMENT) ACT, 2003

AN ACT
to amend the Constitution (Eighty-eighth Amendment) Act, 2003.

further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Eighty-eighth Amendment) Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new article 268A.—After article 268 of the Constitution, the following article shall be inserted, namely:—

268A. Service tax levied by Union and collected and appropriated by the Union and the States.—(1) Taxes on services shall be levied by the Government of India and such tax shall be collected and appropriated by the Government of India and the States in the manner provided in clause (2).

(2) The proceeds in any financial year of any such tax levied in accordance with the provisions of clause (1) shall be—

(a) collected by the Government of India and the States;

(b) appropriated by the Government of India and the States,

in accordance with such principles of collection and appropriation as may be formulated by Parliament by law.

3. Amendment of article 270.—In article 270 of the Constitution, in clause (1), for the words and figures "articles 268 and 269", the words and figures and letter "articles 268, 268A and 269" shall be substituted.

4. Amendment of Seventh Schedule.—In the Seventh Schedule to the Constitution, in list I—Union List, after entry 92B, the following entry shall be inserted, namely:—

"92C. Taxes on services."

The above Bill has been passed by the Houses of Parliament in accordance with the provisions of article 368 of the Constitution and has also been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect as required under the proviso to clause (2) of the said article.

Department of Personnel

Notification

1/5/89-PER(Pt. II)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing Recruitment Rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'B', Non-Ministerial, Gazetted posts in the Goa Medical College, Government of Goa, namely:—

1. Short title, application and commencement.—
(1) These rules may be called the Government of Goa, Goa Medical College, Group 'B', Non-Ministerial, Gazetted posts, Recruitment Rules, 2004.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Number, classification and scale of pay.—
The number of posts, classification of the said post and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts in column (2) of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications.— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be

as specified in columns (5) to (13) of the said Schedule.

4. Disqualification.— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax.— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving.— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/30(2)/2003 dated 24-3-2004.

By order and in the name of the Governor of Goa.

D. M. Borkar, Officer on Special Duty (PETS).

Panaji, 7th June, 2004.

SCHEDULE

Name/ Designation of post	No. of posts	Classifi- cation	Scale of pay	Whether selection post or non- selec- tion post	Age limit for direct recruits	Whether the benefit of added year of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct or by promotion or by deputation/	In case of recruit- ment by promotion /deputation/ transfer, grades from which promotion/ /deputation/ transfer is to be made	If a D. P. C. exists, what is its compo- sition	Circum- stances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Assis- tant (2004) Head Subject Occupation to vari- tional de- Thera- - p e n - -dent on work- load.	1 Group 'B', Non- Ministe- rial, Gaze- -tted.	Goa General Service, -200- -10500.	Rs. 6500- -200- -10500.	N.A.	Not exceed- ing 40 years (Relaxable for Govern- ment Ser- vants upto 5 years in accordance with the instructions or orders issued by the Govern- ment);	N. A.	Essential: (1) Degree or Diploma in Occupational therapy from a recognised Uni- versity/Institution or equivalent. (2) 3 years practical experience in case of Degree holders, and 6 years practical experi- ence in case of Diploma holders in Occupational Therapy in a recognised Institution/Hospital. (3) Knowledge of Konkani.	N. A.	2 years.	By promotion, failing which, by direct recruitment.	Promotion: Occupational Therapist with 3 years regular ser- vice in the grade 1. Chairman/ in case of Degree holders and 6 years regular ser- vice in the grade in case of Diploma holders.	Group 'B' D.P.C. Promotion: Chairman/ Member, GPSC —Chairman from Consul- tation 2. Chief Secre- tary or his nominee —Member —Consultation with the Goa Regulations, 1988. Con- sultation 3. Administra- tive Secre- tary/Head of Department —Member.	As required under the Goa Public Service Commission (Exemption from Consul- tation) Regulations, 1988. Con- sultation with the Goa Public Service Commission is necessary (For promotion and confirma- tion): for making direct recruitment, promotion, confirma- tion and amending/ relaxing any of the provisions of these rules.

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Assis- tant Head Physio- thera- pist.	1 (2004) Subject to varia- tion de- pen- dent on Ministe- work- load.	Goa Service, Group 'B', Non- Ministe- rial, Gaze- tted.	Rs. 6500- -200- -10500.	N. A.	Not exceed- ing 40 years (Relaxable for Govern- ment Ser- vants upto 5 years in accordance with the instructions or orders issued by the Government).	N. A.	Essential: (1) Degree or Diploma in Physiotherapy from a recognised University/ Institution or equiva- lent. (2) 3 years practical experience in case of Degree holders, and 6 years practical experi- ence in case of Diploma holders in physio- therapy in a recognised Institution/Hospital. (3) Knowledge of Konkani. Desirable: Knowledge of Marathi.	N. A.	2 years.	By promo- tion, failing Physiothe- rapists, which, by direct recruitment.	Promotion: Physiothe- rapists, which, by direct recruitment.	Group 'B' D.P.C. consisting of:- 1. Chairman/ /Member, GPSC — Chairman 2. Chief Secre- tary or his nominee — Member 3. Administra- tive Secre- tary/Head of Department — Member.	As required under the Goa Public Service (Exemption from Consul- tation) Regulations, 1988. Consul- tation with the Goa Public Service Commission is necessary for making direct recruit- ment, promo- tion, confir- mation and amending/ relaxing any of the pro- visions of these rules.